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October 15, 2018

President Donald J. Trump  
1600 Pennsylvania Avenue NW  
Washington, D.C. 20500

Dear Mr. President,

I want to congratulate you on Executive Order 13771, which has successfully slowed the rate and cost of regulations. By requiring the costs of any new regulation to be offset by eliminating the costs for at least two regulations, your Executive Order has curbed much of the federal government's bureaucratic over-reach and reduced the regulatory burden on American businesses and the economy. You may be interested to know I introduced H.R.2623, the Lessening Regulatory Costs and Establishing a Federal Regulatory Budget Act of 2017, to codify your Executive Order so the positive impacts of your legacy will become permanent. I would be honored if you personally support this legislation.

I want to encourage you to continue the significant work you are doing to reduce federal regulations by drafting another Executive Order to cut the number and influence of guidance documents written by federal agencies.

Agency guidance documents are not regulations on their own but are considered as such when an agency communicates with regulated entities. In effect, these documents carry the weight of regulations until an appeal is made to the agency requesting clarification. Guidance documents can be general statements of policy and interpretive rules, memoranda, notices, circulars, FAQs, administrator's interpretations, bulletins, and even press releases or blog posts. These guidance documents do not experience the same process regulations go through, yet federal agencies often cite them when communicating with regulated entities.

When drafting a regulation, federal agencies utilize a "notice-and-comment" period to give the public the opportunity to give feedback concerning the recommended regulation. Unlike normal regulations, agency guidance documents do not participate in this notice-and-comment period. Instead, an agency can publish them without input from the public and can invoke them when interacting with the entities they impact. Further, these guidance documents are not reported to Congress with other agency regulations, even while they are required to be. Therefore, Congress has limited ability for oversight of the contents of these documents and, in turn, of federal agencies themselves.

The House Oversight and Government Reform Committee, on which I serve, released a study earlier this year that measured the number of significant guidance documents produced by

federal agencies. According to the report, the number of significant guidance documents in March 2018 was around 1,213. In 2016 the American people voted for a reformer, not for unelectable technocrats who can shape their lives without any input. Those thousands of guidance documents have real impacts, and I am confident the American people will stand with you, Mr. President, if you chose to further cut the federal government's overreach.

An Executive Order from you, Mr. President, could help keep the American economy booming, further unleashing the power of your tax cuts by reducing the number and scope of guidance documents produced by federal agencies. It would further rebuild the country from the disastrous and devastating legacy of President Obama. It would take more power away from the deep-state and drain the swamp.

Your Executive Order, Mr. President, could contain content similar to a memorandum drafted recently which prohibits the Department of Justice from using guidance documents as the basis for providing legal violations in civil enforcement actions. You could also explicitly reaffirm that guidance documents are considered regulations for the purposes of the one-in-two-out portion of Executive Order 13771.

Guidance documents are the least disciplined part of the administrative state. Respectfully, I believe you should not hesitate or wait for Congress to address this issue. An Executive Order from you to address and curtail guidance documents would go a long way in securing further relief for Americans.

Thank you for your attention to this matter. I look forward to any action from you, Mr. President. As always, I stand ready to provide any and all assistance if necessary. If you or your staff have any questions, please contact me or Chad Yelinski ([chad.yelinski@mail.house.gov](mailto:chad.yelinski@mail.house.gov)) on my staff.

Sincerely, your friend,



Mark Meadows  
Member of Congress

Cc/ Director Mick Mulvaney